

PROPOSED ORDINANCE

FIRST READING 10/22/2007

ORDINANCE NO. 2007-236

ORDINANCE ASSENTING TO THE ANNEXATION OF CERTAIN PROPERTY OR TERRITORY TO THE CITY OF MADISON, ALABAMA, PURSUANT TO SECTIONS 11-42-20 THROUGH 11-42-24, INCLUSIVE, CODE OF ALABAMA (1989).

WHEREAS, on October 10, 2007, **Dewanda B. Black**, being the owner of the property or territory hereinafter set forth, did file with the City Clerk of the City of Madison, Alabama, a written petition requesting that said property or territory owned by her, as set forth herein be annexed to the City of Madison, Alabama, said property being contiguous to the current City boundary of the City of Madison, Alabama, or to be contiguous pursuant to the annexation of lands annexed simultaneously herewith, and being more specifically described as follows:

COMMENCING AT A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 3 WEST, THENCE RUN ALONG THE WEST SECTION LINE OF SAID SECTION 36 SOUTH 01 DEGREE 11 MINUTES 23 SECONDS EAST AT A DISTANCE OF 2015.23 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 30 MINUTES 13 SECONDS EAST AT A DISTANCE OF 720.41 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 32 SECONDS EAST AT A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 30 MINUTES 13 SECONDS EAST AT A DISTANCE OF 708.87 FEET TO A 5/8" REBAR; THENCE RUN SOUTH 01 DEGREE 05 MINUTES 42 SECONDS EAST AT A DISTANCE OF 186.98 FEET TO A 5/8" REBAR, THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING RUN NORTH 86 DEGREES 49 MINUTES 05 SECONDS EAST AT A DISTANCE OF 1508.40 FEET TO A FOUND CONCRETE MONUMENT; THENCE RUN SOUTH 00 DEGREES 53 MINUTES 56 SECONDS EAST AT A DISTANCE OF 489.11 FEET TO A POINT; THENCE RUN SOUTH 86 DEGREES 48 MINUTES 57 SECONDS WEST AT A DISTANCE OF 1501.64 FEET TO A FOUND IRON PIN WITH A CAP STAMPED "DUNIVANT"; THENCE RUN NORTH 01 DEGREE 41 MINUTES 27 SECONDS WEST AT A DISTANCE OF 488.94 FEET BACK TO A 5/8" REBAR, THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 16.89 ACRES, MORE OR LESS.

AND WHEREAS, said petition was executed by **Dewanda B. Black**, the owner of said property or territory, as the same is assessed for ad valorem tax purposes, and filed together with a map showing its relationship to the present corporate limits of the City of Madison, Alabama; and

WHEREAS, said property is contiguous to the present City boundary of the City of Madison, Alabama, or will be contiguous pursuant to the annexation of lands annexed simultaneous herewith, and does not lie within the corporate limits or police jurisdiction of any other municipality; and

WHEREAS, the City Council of the City of Madison, Alabama, the governing body of said municipality, has determined that said property forms a homogenous part of the City of Madison, and that it is in the public interest that said property or territory should be brought within the corporate limits of the City of Madison, Alabama, and did further determine that said written petition met all of the legal requirements of Sections 11-42-20 through 11-42-24, inclusive, Code of Alabama (1989), as supplemented and amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADISON, ALABAMA, AS FOLLOWS:

Section 1. That the City Council of the City of Madison, Alabama, the governing body of said municipality hereby finds and declares that said land or territory forms a homogenous part of the City of Madison, Alabama, and that it is in the best interest of the citizens of Madison, Alabama, and the citizen or citizens of the affected territory to bring the property or territory described in Section 2 of this Ordinance into the City of Madison, Alabama, and the said City

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Council does hereby assent to the annexation of said property or territory to the City of Madison, Alabama.

Section 2. That the boundary lines of the City of Madison, Alabama, be, and the same are hereby altered, rearranged, and extended so as to include the real property or territory more particularly described as follows:

COMMENCING AT A MAG NAIL FOUND AT THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 3 WEST, THENCE RUN ALONG THE WEST SECTION LINE OF SAID SECTION 36 SOUTH 01 DEGREE 11 MINUTES 23 SECONDS EAST AT A DISTANCE OF 2015.23 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 30 MINUTES 13 SECONDS EAST AT A DISTANCE OF 720.41 FEET TO A POINT; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 32 SECONDS EAST AT A DISTANCE OF 20.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 30 MINUTES 13 SECONDS EAST AT A DISTANCE OF 708.87 FEET TO A 5/8" REBAR; THENCE RUN SOUTH 01 DEGREE 05 MINUTES 42 SECONDS EAST AT A DISTANCE OF 186.98 FEET TO A 5/8" REBAR, THE POINT OF BEGINNING.

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Section 3. That the Mayor and Presiding Officer of the City Council of the City of Madison, Alabama, and the City Clerk of said municipality are hereby authorized and directed, for and on behalf of the governing body of said municipality, to file a description of the property or territory herein annexed in the Offices of the Judges of Probate of Madison County, Alabama and Limestone County, Alabama. That the City Attorney of said municipality is hereby further authorized and directed to obtain preclearance of this annexation to the City of Madison, Alabama, under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. Section 1973c and the regulations adopted pursuant thereto.

Section 4. That Section 2-2(b)() of the Madison Code of Ordinances be amended to enlarge District ____ to include the lands annexed hereby within said district.

Section 5. That this Ordinance shall become effective upon the final publication thereof as required by law.

Section 6. That the property or territory described in this Ordinance shall become a part of the corporate limits of the City of Madison, Alabama, upon the final publication of the Ordinance as provided for in Section 5 above.

READ, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Madison, Alabama on this the ____ day of _____, 2007.

Steve Haraway, President
Madison City Council
City of Madison, Alabama

ATTEST:

Melanie A. Williard, City Clerk-Treasurer

APPROVED this ____ day of _____, 2007.

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Arthur S. Kirkindall, Mayor
City of Madison, Alabama